



THE CITY OF NEW YORK
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October 17, 2023

BY ECF

The Honorable Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *K.C., et al. v. New York City Board of Education, et al.*, 21-cv-10624 (AS)

Dear Judge Subramanian:

I am the Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent Defendants in the above-referenced action. Due to unforeseen circumstances, I write to respectfully request *nunc pro tunc* that the Court adjourn the initial pretrial conference ("IPTC") in this matter. Plaintiff consents to this request.

On August 31, 2023, Your Honor scheduled the IPTC for September 18, 2023, at 9:15 a.m. (Dkt. No. 36.) On October 12, 2023, the parties jointly requested, *inter alia*, that the Court adjourn the IPTC. (Dkt. No. 40.) On October 16, 2023, Your Honor denied that request. (Dkt. No. 41.) Defendants' current request is made on an unrelated and unanticipated basis. Specifically, I am confronting an urgent, evolving family medical situation that first came to light in the past few days, after the parties' joint request. The situation requires my immediate attention and flexible availability — including, potentially, for medical appointments not yet scheduled. Therefore, it is unclear whether I can attend the IPTC as currently scheduled.

Additionally, it would not be practicable for a different attorney to attend the IPTC tomorrow in my place. Per Your Honor's Individual Practices, Lead Trial Counsel for each party must attend all conferences, must be prepared to bind the party they represent and address any matters likely to arise, and cannot be changed without prior Court approval. (Rules 2-A, 4-C.) Even if the Court granted such approval here, a newly assigned attorney most likely would be unable to gain sufficient familiarity with the details of this case in time for tomorrow's

conference. However, in the event that such a reassignment proves necessary, an adjournment would afford the newly assigned attorney sufficient time to prepare.

Accordingly, Defendants respectfully request that the Court adjourn the IPTC by two weeks, to November 1, 2023.

Thank you for your consideration of this request.

Respectfully,

/s/
Darian Alexander
Assistant Corporation Counsel

CC: **BY ECF**
all counsel of record

The request for an adjournment is granted. The IPTC currently set for October 18, is hereby adjourned to November 1 at 10:15 AM.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: October 17, 2023